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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
To Revise Its Electric Marginal Costs, Revenue  
Allocation, and Rate Design.

(U 39 M)

Application 06-03-005  
(Filed March 2, 2006)

**ASSIGNED COMMISSIONER'S RULING  
AND SUPPLEMENTAL SCOPING MEMO**

**1. Summary**

This supplemental scoping memo addresses how Pacific Gas and Electric Company's (PG&E's) critical peak pricing, and other dynamic pricing tariffs will be addressed in this proceeding.

Our primary objective will be to work with PG&E and other parties to create a year-by-year strategic work plan that will direct PG&E to develop and integrate well-designed dynamic pricing tariffs into PG&E's rate design for all customers by 2011. The strategic work plan should answer the following three questions:

- 1) What types of dynamic pricing tariffs should PG&E offer to its customers?
- 2) When should PG&E offer each type of dynamic pricing tariffs to each customer class?
- 3) How should the dynamic pricing tariffs be designed and integrated into PG&E's overall rate design?

The work plan should contain sufficient detail to guide and implement PG&E's future rate design, especially in the utility's 2010 general rate case (GRC).

PG&E will be required to follow the timetable and rate design principles the Commission adopts in the strategic work plan, and this proceeding will remain open to allow us to issue any order necessary to ensure the effectiveness of the strategic work plan.

We request that each party file written comments that identify its three to five top priorities related to the development of well-designed dynamic pricing tariffs. Parties should also comment on the scope identified in this Ruling (Section 5). Parties are directed to file comments by August 25, 2006. The Commission's Division of Strategic Planning (DSP) will review parties' comments, after which the Assigned Commissioner will issue a ruling that will provide further direction.

## **2. Procedural Context**

On May 25, 2006 the Assigned Commissioner issued an Assigned Commissioner's Ruling and Scoping Memo that described the scope of this proceeding. That Scoping Memo stated:

While demand responsive rates are generally within the scope of this proceeding, the manner in which critical peak pricing will be addressed will be determined upon consideration of impending Commission actions, including a decision in Application 05-01-016, and will be specified in a separate scoping ruling. (p. 3)

Recently the Commission issued its decision in Application (A.) 05-01-016 and, based on the direction it provided, this supplemental scoping memo addresses how CPP and dynamic pricing more broadly will be addressed in this proceeding.<sup>1</sup> Fundamentally, the Commission has indicated that its demand

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<sup>1</sup> In Decision (D.) 06-05-038, the Commission declined to adopt proposed settlements that would have adopted voluntary critical peak pricing tariffs for PG&E, SoCal Ed, and SDG&E that would have been available to bundled customers with peak demands greater than or equal to 200 kilowatts (kW). The Commission directed the utilities to

response policies, articulated comprehensively in its 2003 Vision Statement, will be incorporated into actual rates.<sup>2</sup> This means the Commission must begin a multi-year effort to address rate design for each of the large investor owned utilities. Only by doing so can the Commission ensure that electric customers have “the ability to increase the value derived from their electricity expenditures by choosing to adjust usage in response to price signals” as customers are equipped with interval meters as a result of the Commission’s Advanced Metering Infrastructure (AMI) decisions.<sup>3</sup> We begin now with PG&E since it is in the initial stages of its cyclical rate design proceeding and will be the first utility to begin deploying AMI to all residential and small commercial customers.<sup>4</sup> All PG&E customers are expected to have interval meters by 2011.

### **3. Why Address the Commission’s Demand Response Policies in PG&E’s General Rate Case Phase 2?**

The Energy Action Plan II (EAP II), developed and adopted jointly by the CPUC and California Energy Commission, sets out key actions that both agencies intend to pursue. The EAP II identifies demand response, along with energy efficiency, as the State’s “preferred means of meeting growing energy needs.”<sup>5</sup>

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incorporate default critical peak pricing tariffs for large customers into their next comprehensive rate design proceeding or other proceeding as directed by the Commission.

<sup>2</sup> “California Demand Response: A Vision for the Future (2002-2007)”, referred to here as the 2003 Vision Statement, was attached to D.03-06-032 as Attachment A.

<sup>3</sup> 2003 Vision Statement, p. 1.

<sup>4</sup> On July 20, 2006, the Commission adopted a decision authorizing PG&E to deploy AMI to residential and small commercial customers throughout its service territory (A.05-06-028).

<sup>5</sup> EAP II, p.2.

The EAP II concludes that “With the implementation of well-designed dynamic pricing tariffs and demand response programs for all customer classes, California can lower consumer costs and increase electricity system reliability.” (EAP II, p.4) The Commission intends to pursue its Energy Action Plan objectives in all relevant proceedings, including here in Phase 2 of PG&E’s GRC.

One key action of special relevance in this proceeding is the following:

Identify and adopt new programs and revise current programs as necessary to achieve the goal to meet five percent demand response by 2007 and to make dynamic pricing tariffs available for all customers. (EAP II, p. 5)

Dynamic pricing tariffs, also referred to as time differentiated tariffs, include Time-of-Use (TOU) tariffs, Critical Peak Pricing (CPP), and Real-Time Pricing (RTP).<sup>6, 7</sup>

The Commission has already identified rate design proceedings as the appropriate forum to address dynamic pricing tariffs. The design of dynamic pricing tariffs need to be associated the revenues that need to be collected, and a rate design proceeding is the best place to link those goals.

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<sup>6</sup> *Definitions:*

TOU: A rate in which predetermined electricity prices vary as a function of usage period, typically by time of day, by day of week, and/or by season.

CPP: A dynamic rate that allows a short-term price increase to a predetermined level (or levels) to reflect real-time system conditions. In a *fixed-period* CPP, the time and duration of the price increase are predetermined, but the days are not predetermined. In a *variable-period* CPP, the time, duration and day of the price increase are not predetermined.

RTP: A dynamic rate that allows prices to be adjusted frequently, typically on an hourly basis, to reflect real-time system conditions. (*Glossary of Retail Electricity Rate Terms*, Attachment A to D.03-03-036).

<sup>7</sup> TOU tariffs are included under the heading of dynamic pricing here, even though they do not generally vary based on current market conditions.

In D.05-11-009 the Commission determined that dynamic pricing tariff options for all types of customers should be addressed in each utility's comprehensive rate design proceeding.<sup>8</sup> More recently, in D.06-05-038, the Commission ordered each utility "incorporate default critical peak pricing tariffs for all eligible customers 200 kilowatts (kW) and above into their next comprehensive rate design proceeding or other appropriate proceeding if directed by the Commission."<sup>9</sup>

The Commission has also directed each utility to submit RTP tariffs in its comprehensive rate design proceeding, following the California Independent System Operator's (CAISO's) implementation of its Market Redesign and Technology Upgrade (MRTU).<sup>10</sup>

Finally, at the May 25, 2006 Commission public meeting adopting D.06-05-038, several Commissioners indicated their desire to address CPP issues in this proceeding.

Most dynamic pricing tariffs require enabling technologies such as interval metering infrastructure. While PG&E's customers with maximum usage of greater than 200 kW have interval meters, customers with loads of less than 200 kW do not. On July 20, 2006, the Commission approved a decision authorizing PG&E to deploy advanced meters to all of its customers with

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<sup>8</sup> See D.05-11-009, Ordering Paragraphs Nos. 3, 4, and 5.

<sup>9</sup> D.06-05-038, p. 1.

<sup>10</sup> D.05-11-009 states "As the CAISO moves to implement its market redesign, we anticipate that transparent pricing information will become available that will facilitate development and adoption of a true RTP tariff. However, design of such a tariff cannot be performed in isolation from comprehensive rate design examination. Therefore, we direct each utility, as part of its next comprehensive rate design proceeding application following development and final implementation of an hourly day-ahead market price by the CAISO, to submit a real time pricing tariff for consideration as part of its tariff offerings." (p. 7).

maximum usage of less than 200 kW.<sup>11</sup> According to the decision, meters will be installed between 2006 and 2011. Until metering infrastructure is more broadly available, dynamic tariff design may be constrained to certain customer groups. A holistic and consistent approach across different types of customer might, alternatively, result in more effective tariffs.

Additionally, the utilities, the Commission and other parties are continuing to learn about the design and effectiveness of dynamic pricing tariffs through the Statewide Pilot Program, initiated by the Commission in 2003.<sup>12</sup> The results of those programs could help to develop and refine effective tariffs.

Taking into account the input parties provided at the prehearing conference (PHC) and recognizing the pending Commission decision in PG&E's AMI case (A.05-06-028), we have identified specific dynamic pricing issues that should be addressed within this proceeding.

#### **4. Impact on Phase 2 of PG&E's 2007 GRC**

At the PHC, some parties were concerned that broadening the scope of the proceeding to include dynamic pricing issues would require more resources and delay PG&E's 2007 GRC Phase 2. We do not intend to delay the consideration of the issues addressed in the May 25, 2006 scoping memo, and the schedule adopted there and subsequently modified remains in place, including the timeline for issuance of a decision on those issues. However, we do intend to use this rate design forum as a place to begin to develop the strategic work plan to incorporate demand response policy definitively into PG&E's rate design.

PG&E's existing rate design already includes a number of time variant tariffs. At the PHC, parties stated that the design of these existing tariffs is

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<sup>11</sup> A.05-06-028.

<sup>12</sup> D.03-03-036, D.04-01-012 and D.05-07-011.

within the scope of this proceeding.<sup>13</sup> PG&E has also proposed new TOU tariffs for agricultural customers. PG&E's application contains proposals related to these tariffs, such as its proposal that optional TOU tariffs "be designed to be revenue-neutral with respect to the standard tariff."<sup>14</sup>

PG&E's proposed rate design includes the following tariffs:

Customer Class	Schedule	Description
Residential	E-6	Optional TOU tariff
Small Light & Power	A-6	Optional TOU tariff
Medium Light & Power	E-19	Mandatory TOU tariff for accounts with maximum demands between 500 kW and 1000 kW
	E-19V	Voluntary TOU tariff for accounts with maximum demands less than 500 kW
Large Light & Power	E-20	Mandatory TOU tariff for accounts with maximum demand above 1000kW
Agricultural		New TOU proposed in PG&E's application

The design of these existing and proposed tariffs is within the scope of this proceeding. We encourage parties to consider how these tariffs should best be designed to further the Commission's Energy Action Plan objectives.

## 5. Additional Demand Response Issues to Be Addressed in This Proceeding

In addition to the dynamic pricing-related issues that are already within the scope of this proceeding, we will consider additional issues related to PG&E rate design.

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<sup>13</sup> William H. Booth for California Large Energy Consumers Association (PHC Transcripts, p.10) and Matthew Freedman for The Utility Reform Network (PHC Transcript, p.12).

<sup>14</sup> PG&E A.06-03-005 Exhibit (PG&E-3), p.1-11.

Our primary objective will be to work with PG&E and other parties to create a year-by-year strategic work plan that will direct PG&E to develop and integrate well-designed dynamic pricing tariffs into PG&E's rate design for all customers by 2011, when all of PG&E's customers will have interval meters.

The strategic work plan should answer the following three questions:

- 1) What types of dynamic pricing tariffs should PG&E offer to its customers?
- 2) When should PG&E offer each type of dynamic pricing tariffs to each customer class?
- 3) How should the dynamic pricing tariffs be designed and integrated into PG&E's overall rate design?

The work plan should contain sufficient detail to guide and implement PG&E's future rate design, especially in the utility's 2010 GRC.<sup>15</sup> PG&E will be required to follow the timetable and rate design principles the Commission adopts in the strategic work plan.

Tariffs included in the work plan should include TOU, CPP and RTP. The work plan should take into account future events such as the implementation of the CAISO's MRTU and the roll-off of the Assembly Bill 1X rate constraints.

The strategic work plan should consider the schedule of advanced metering infrastructure roll-out; time required for customer education and marketing; continuity with existing tariffs to minimize customer confusion; and steps required to develop RTP tariffs. The work plan should include intermediate checkpoints so that the Commission can anticipate what PG&E

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<sup>15</sup> For example, in D.05-04-053, the Commission provided this type of guidance for CPP rates for customers with a peak demand over 200 kW (pp. 41-56). The decision identifies a number of issues that are still outstanding related to CPP tariffs for large customers.



intends to file in its 2010 comprehensive rate design application and issue any orders necessary to ensure that the GRC filing adheres to the adopted work plan.

We intend to provide PG&E sufficient policy guidance to file fully compliant TOU, CPP and RTP tariffs in its 2010 comprehensive rate design proceeding. To that end the following issues should be addressed in the development of the strategic work plan in order to establish rate making principles that will guide the 2010 proceeding and the development of PG&E's tariffs therein:

- The objectives of the tariffs, whether to achieve sustained lowering of peak demand, stimulate a temporary response to short-term shortages or reflect cost causation in general;
- Dynamic pricing tariff options other than TOU, CPP or RTP;
- How to design tariffs so that the customers on the dynamic pricing tariffs receive the benefits;
- How to integrate effective customer education and communication with dynamic pricing tariffs;
- Whether dynamic pricing tariffs should be voluntary, default with opt-out provisions, or mandatory;
- Revenue balancing mechanisms that ensure utility cost recovery and are consistent with the objectives of the tariffs;
- The advantages of overlay tariffs versus integrated tariff design;
- Relationship between dynamic pricing tariffs and existing reliability-oriented demand response tariffs and programs;
- Relationship between dynamic pricing tariffs and PG&E's typical marginal cost/revenue allocation/rate design process;
- How to extend advanced metering to electric consumers without separate meters, so that all electric consumers can benefit from dynamic pricing tariffs, e.g. some commercial building tenants and master-metered customers;

- Any other policy determinations that the Commission should make so that PG&E's rate design in its 2010 GRC can address dynamic pricing tariffs in a fully integrated and comprehensive manner;
- PG&E's progress to date toward the implementation of well-designed dynamic pricing tariffs;

These issues must be addressed as the strategic work plan is developed. Most of the issues we have identified are issues of policy; therefore, we do not anticipate holding evidentiary hearings on these issues at this time, but will proceed through workshops and written comments.

Any Commission decision resolving issues identified in this Ruling would be separate from the decisions that relate directly to PG&E's proposals to revise its electric marginal costs, revenue allocation, and rate design as described in the May 25, 2006 Assigned Commissioner's Ruling and Scoping Memo.

In other proceedings, the Commission has noted the value of taking a consistent approach to rate design for all California electric utilities.<sup>16</sup> Therefore, we invite Southern California Edison (SCE), San Diego Gas & Electric (SDG&E), and their customers to closely monitor this proceeding so that the principles and findings reached here can be applied in the upcoming rate design proceedings of the other electric utilities. To this end, this scoping memo shall also be served on participants in SCE's last Phase 2 GRC, A.05-05-023; SDG&E's last rate design window, A.05-02-019; SCE's AMI proceeding, A.05-03-026; and SDG&E's AMI proceeding, A.05-03-015. It shall also be served on participants in PG&E's AMI proceeding, A.05-06-028.

## **6. Comments to Begin Developing Strategic Work Plan**

We request that each party file written comments that identify its three to five top priorities related to the development of well-designed dynamic pricing

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<sup>16</sup> For example see D.05-04-053, p. 54.

tariffs. The top priorities could include issues identified in this ruling or others. Parties should also comment on the scope identified in this Ruling (Section 5). The Commission's DSP will review parties' comments, after which the Assigned Commissioner will issue a ruling that will provide further direction.

Parties are directed to file comments on these issues by August 25, 2006.

The Commission is required by law to establish reasonable time periods for resolution of its proceedings, not to exceed eighteen months in this instance (Stats. 1996, ch. 856, § 1). The activities we are proposing to address in this proceeding are complex and likely to be contentious. The proceeding may need to extend beyond the typical 18-month period. However, one of the objectives of this proceeding is to establish a longer-term binding strategic plan for PG&E tariff design and program development. Since those issues will extend into the 2010 rate case cycle and beyond, a longer proceeding is reasonable. Therefore, we intend to keep this proceeding open until PG&E files its 2010 GRC Phase 2 application, which will be in approximately 33 months based on the filing date of the 2007 GRC Phase 2 application.

**IT IS RULED that:**

1. The scope of this proceeding shall be supplemented as set forth in Section 5 of this ruling.
2. Parties are directed to file comments as described in this Ruling by August 25, 2006.
3. This proceeding shall remain open until Pacific Gas and Electric Company files its 2010 General Rate Case Phase 2 Application to revise its electric marginal costs, revenue allocation and rate design.
4. This scoping memo shall also be served on the service lists for Application (A.) 05-05-023, A.05-02-019, A.05-03-026, A.05-03-015, and A.05-06-028.

Dated July 25, 2006, at San Francisco, California.

/s/ RACHELLE B. CHONG

RACHELLE B. CHONG

Assigned Commissioner

## INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the Notice of Availability to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the Notice of Availability is current as of today's date.

Dated July 25, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

## NOTICE

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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\*\*\*\*\* SERVICE LIST \*\*\*\*\*

**Last Update on 19-JUL-2006 by: SMJ**

**A0603005 LIST**

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